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Attorneys for Third-Party Defendant and Cross-Claimant

SCOTTSDALE INSURANCE COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SIERRA BAY CONTRACTORS, INC., a  
California Corporation,

Plaintiff,

v.

WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY, a Georgia corporation,  
and ROES 1 through 50, inclusive,

Defendants.

WESTCHESTER SURPLUS LINES INSURANCE  
COMPANY, a Georgia Corporation,

Third-Party Plaintiff,

v.

ASPEN SPECIALTY INSURANCE COMPANY,  
a North Dakota Corporation; CONTINENTAL  
CASUALTY INSURANCE COMPANY, an  
Illinois Corporation; GEMINI INSURANCE  
COMPANY, a Delaware Corporation; GREAT  
AMERICAN ASSURANCE COMPANY, an Ohio  
Corporation; GREAT AMERICAN INSURANCE  
COMPANY, an Ohio Corporation; INTERSTATE  
FIRE AND CASUALTY COMPANY, an Illinois  
Corporation; LEXINGTON INSURANCE  
COMPANY, a Delaware Corporation; LIBERTY

CASE NO. 3:10-CV-04611-RS

**STIPULATION AND [PROPOSED]  
ORDER FOR DISMISSAL WITHOUT  
PREJUDICE OF SCOTTSDALE  
INSURANCE COMPANY'S CROSS-  
CLAIM AGAINST AMERICAN SAFETY  
INDEMNITY COMPANY, IN  
EXCHANGE FOR A WAIVER OF  
COSTS**

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SURPLUS INSURANCE CORPORATION, a  
New Hampshire Corporation; NIC INSURANCE  
COMPANY, a New York Corporation; OLD  
REPUBLIC GENERAL INSURANCE  
CORPORATION, an Illinois Corporation;  
TRANSCONTINENTAL INSURANCE  
COMPANY, an Illinois Corporation;  
SCOTTSDALE INSURANCE COMPANY, an  
Ohio Corporation; TRUCK INSURANCE  
EXCHANGE, a California Corporation;  
VIRGINIA SURETY COMPANY, an Illinois  
Corporation,

Third-Party Defendants.

SCOTTSDALE INSURANCE COMPANY, an  
Ohio Corporation,

Cross-Claimant,

v.

AMERICAN SAFETY INDEMNITY  
COMPANY an Oklahoma Corporation;  
NAVIGATORS SPECIALTY INSURANCE  
COMPANY, formally known as NIC Insurance  
Company, a New York Corporation; GEMINI  
INSURANCE COMPANY, a Delaware  
Corporation; LEXINGTON INSURANCE  
COMPANY, a Delaware Corporation; and ROES  
1 through 20, inclusive,

Cross-Defendants.

Pursuant to Federal Rule of Civil Procedure 41, third-party defendant and cross-claimant  
Scottsdale Insurance Company ("Scottsdale"), and cross-defendant American Safety Indemnity  
Company ("ASIC "), have agreed and hereby stipulate to the dismissal of Scottsdale's Cross-Claim  
against ASIC, without prejudice, subject to said parties' mutual waiver of costs.

**IT IS SO STIPULATED.**

Selman Breitman LLP  
ATTORNEYS AT LAW

1 DATED: May 30, 2012

SELMAN BREITMAN LLP

2  
3 By: 

Lisa M. Lampkin

4 Attorneys for Third-Party Defendant and Cross-  
Complainant Scottsdale Insurance Company

5 DATED: May 30, 2012

LAW OFFICES OF SEMHA ALWAYS

6  
7 By: 

Semha Alwaya

8 Attorneys for Cross-Defendant American Safety  
9 Indemnity Company

10  
11 **PROPOSED ORDER OF PARTIAL DISMISSAL**

12 Having reviewed the above stipulation, the Court orders that cross-defendant American  
13 Safety Indemnity Company be dismissed, without prejudice, from Scottsdale Insurance  
14 Company's cross-claim, with each side to bear its own fees and costs. The remainder of the cross-  
15 claims shall not be impacted by this Order.  
16

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18  
19 Dated: 6/1/12



20 United States District Court  
21 District of Northern California